CR 16/2007.

27.11.2007. Present: Mr. R.K. Gautam, Sr. Advocate with Mr. Naveen Bhardwaj, Advocate, for the petitioner.

Mr. Ramakant Sharma, counsel for the respondent.

This is the plaintiff's revision against the order passed by the learned trial Court in an application preferred by him under Order 23 Rule 1 of the code of Civil Procedure for withdrawal of the suit on the allegations that it suffers from some formal defects. The learned trial Court on a consideration of the pleading before it, rightly concluded that the averments made and the allegations in the application even if accepted, do not constitute a valid ground for granting permission to the plaintiff for withdrawal of the suit.

I have heard learned counsel for the parties and have gone through the pleadings. The reasoning of the learned trial Court cannot be faulted with. The application was not supported by an affidavit and is not maintainable as such. The order does not disclose error in exercise of jurisdiction by the trial court.

In the facts and circumstances of the case, this revision is dismissed. There shall be no order as to costs. All miscellaneous application are dismissed and all interim orders shall stand vacated.

27th November, 2007. **(Dev Darshan Sud)**
(cm) **Judge.**